

**Economic and Social Council**

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Permanent Forum on Indigenous Issues**Sixteenth session**

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Draft report

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Chapter I**Matters calling for action by the Economic and Social Council or brought to its attention****B. Matters brought to the attention of the Council****Recommendations of the Permanent Forum****Implementation of the six mandated areas of the Permanent Forum with reference to the United Nations Declaration on the Rights of Indigenous Peoples (item 4)**

1. Fulfilling the objectives of the United Nations Declaration on the Rights of Indigenous Peoples requires continuous follow-up, monitoring and observation of the six mandated areas. The sixteenth session attracted speakers from among government representatives, national human rights institutions, intergovernmental organizations and indigenous peoples, a large number of whom reported on the importance of the implementation of the Declaration on the occasion of its tenth anniversary. From the interventions presented, the Permanent Forum is concerned that not enough is being done to improve indigenous peoples' rights in the areas of health, education, human rights, economic and social development, environment and culture.

Human rights

2. The Permanent Forum welcomes the adoption of the American Declaration on the Rights of Indigenous Peoples by the Organization of American States on 15 June 2016. The Forum calls upon States to implement the American Declaration to advance the rights of indigenous peoples in accordance with the United Nations Declaration on the Rights of Indigenous Peoples, the Indigenous and Tribal Peoples Convention, 1989 (No. 169) of the International Labour Organization and other human rights instruments.



3. The Permanent Forum appreciates the participation and active input of national and regional human rights institutions at its sixteenth session, encourages studies and reports by the national human rights institutions in the promotion and protection of indigenous rights and invites them to present their reports and studies in future sessions.
4. Notwithstanding the developments in international human rights standards, indigenous peoples continue to face denial of their most basic human rights, including the right to self-determination. The Permanent Forum notes the affirmation that the rights of indigenous peoples are a matter of international concern and that the United Nations has an important role to play in the promotion and protection of their rights, as stated in articles 19 and 20 of the Declaration. The Permanent Forum remains committed to promoting respect for, and the full application of, the provisions of the Declaration and to following up on its effectiveness.
5. Recalling the recommendations made by the Permanent Forum in 2011 in the report of the study on the Chittagong Hill Tracts Accord of 1997 (E/C.19/2011/6, sect. VIII), and given that the situation of the indigenous peoples of the Chittagong Hill Tracts continues to give rise to concern, the Forum encourages the Government of Bangladesh to allocate sufficient human and financial resources and set a time frame for the full implementation of the Accord.
6. The Permanent Forum calls upon the Government of the United States of America to comply with the provisions recognized in the Declaration and to ensure the right of the Sioux to participate in decision-making, given that the construction of the Dakota access pipeline will affect their rights, lives and territory, as set out in article 19 of the Declaration. Furthermore, the Forum recommends that the United States Government initiate an investigation of alleged human rights abuses by private security and law enforcement officers with regard to the pipeline.
7. The Permanent Forum takes note of the Deatnu (Tana/Teno) river fishing agreement between the Governments of Finland and Norway that was adopted by their respective Parliaments in March 2017. The Sami Parliaments of Finland and Norway have informed the Forum that the agreement was adopted without the free, prior and informed consent of the Sami. The Forum requests the Governments of Finland and Norway to renegotiate the agreement with the full and effective participation of Sami rights holders.
8. The Permanent Forum urges Colombia to ensure that indigenous peoples are partners in the development of the regulatory framework of the Colombian peace agreement and that a process of free, prior and informed consent is established for the implementation of the "ethnic chapter" of the agreement.

Economic and social development

9. Recalling article 32 of the Declaration, which recognizes that indigenous peoples have the right to "determine and develop priorities and strategies for the development or use of their lands or territories and other resources", the Permanent Forum urges the African Development Bank, the European Investment Bank and the Nordic Investment Bank to develop and adopt a policy on indigenous peoples based on the Declaration, to ensure that they respect, promote and protect the rights of indigenous peoples.
10. The Permanent Forum welcomes the progress made in the development of community-based tools to monitor the implementation of the Declaration, the outcome document of the World Conference on Indigenous Peoples and the 2030 Agenda for Sustainable Development and encourages collaboration and

contributions from Governments, United Nations agencies, indigenous peoples and civil society organizations to the Indigenous Navigator framework and other tools in order to strengthen community-based monitoring of global commitments made under the Declaration, the World Conference and the Sustainable Development Goals.

11. The Permanent Forum is concerned at the World Bank's recent grant of a waiver to its indigenous peoples' policy (operational policy 4.10) and requests the World Bank to ensure that waivers will not be used in future. Furthermore, the Forum requests the Bank to provide in writing a status update on the waiver issued to the Southern Agricultural Growth Corridor of Tanzania project to the Forum.

12. The Permanent Forum recommends that the World Bank engage the Special Rapporteur on the rights of indigenous peoples, the Expert Mechanism on the Rights of Indigenous Peoples and the Permanent Forum in the development of guidance for the implementation of the new Environmental and Social Standard 7: Indigenous Peoples.

Environment

13. The Permanent Forum has made a number of recommendations, in particular at its seventh and ninth sessions, on conservation and human rights, which to date remain largely unimplemented. Particular attention has been given by the Forum to the critical issue of free, prior and informed consent of indigenous peoples in establishing and managing any protected area that affects their territories, livelihoods and resources. Those recommendations should be implemented urgently, considering the continued infliction of human rights violations on indigenous peoples in relation to conservation measures.

14. The Permanent Forum urges the Government of Kenya to recognize and formally protect the land and resource rights of the Ogiek and Sengwer peoples in line with the Constitution of Kenya, the Community Land Act of 2016 and other relevant laws before moving ahead with planned conservation efforts in the Cherangany Hills.

15. The Permanent Forum urges the International Union for Conservation of Nature to establish a task force on conservation and human rights to work with indigenous peoples' communities and organizations to clearly articulate the rights of indigenous peoples in the context of conservation initiatives and to continue to promote grievance mechanisms and avenues for redress in the context of conservation action, including the Whakatane Mechanism. The Forum invites the Union to report on progress made in the implementation of these recommendations in future sessions.

16. The Permanent Forum recommends that States develop laws and policies to ensure the recognition, continued vitality and protection from misappropriation of indigenous traditional knowledge.

Culture

17. The Permanent Forum encourages States to continue cooperating with indigenous peoples to develop fair, transparent and effective mechanisms for the repatriation of ceremonial objects and human remains, at the national and international levels.

Education

18. Recalling article 14, paragraph 1, of the Declaration, and its recommendation at its third session, the Permanent Forum urges indigenous peoples, with the support

of Member States, to adopt and fully implement comprehensive national indigenous education policies.

19. Recalling paragraph 86 of its report on its eighth session (E/2009/43-E/C.19/2009/14), the Permanent Forum urges public and private education institutions to provide permanent positions to indigenous teachers and to establish scholarships exclusively designated for indigenous students.

Health

20. The Permanent Forum recommends that the Joint United Nations Programme on HIV/AIDS, in collaboration with the United Nations Population Fund and the Inter-Agency Support Group on Indigenous Peoples' Issues, sponsor an expert group meeting on HIV/AIDS by 2019, which would include the full and effective participation of indigenous peoples living with and affected by HIV/AIDS, to analyse the sociocultural and economic determinants of health for HIV/AIDS prevention, care and treatment in indigenous communities, with the Forum's collaboration, in order to ensure the realization of target 3.3 of the Sustainable Development Goals.

21. The Permanent Forum invites the United Nations Population Fund, in collaboration with the Permanent Forum, to identify good practices of culturally appropriate intervention models from its work in developing countries that support indigenous peoples, in particular women and girls, in exercising their health and reproductive rights and to report to the Forum on those models by 2018.

22. The Permanent Forum recognizes the efforts made by the United Nations Population Fund, the United Nations Children's Fund and the United Nations Entity for Gender Equality and the Empowerment of Women and recommends that they continue efforts to implement the recommendation made by the Forum at its fifteenth session (E/2016/43-E/C.19/2016/11, para. 38) to develop a fact sheet on maternal and child health in indigenous communities and present the fact sheet to the Forum by 2018, in order to achieve target 3.7 of the Sustainable Development Goals.

23. The Permanent Forum recommends that States collaborate with indigenous peoples to ensure adequate resources to design and fully implement HIV/AIDS and hepatitis B and C programmes that address the social, economic and cultural determinants of health for HIV prevention, care and treatment in indigenous populations.